

A
L E T T E R
FROM AN
IRISH GENTLEMAN
IN
L O N D O N
TO THE
PEOPLE OF IRELAND
ON THE
LIMITATION OF THE REGENCY.

Pro Patria, pro Lege, et Rege.

L O N D O N :

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IRISH GENTLEMEN

LONDON

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TO THE

PEOPLE OF IRELAND

OF

LIMITATION OF THE REGISTRY

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THE

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LONDON

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W. B. BARNES

A

L E T T E R,

&c., &c.

Friends and Countrymen,

PREPARATORY to the subject on which I venture to address you, I must call your recollection to that glorious æra, when all Europe were astonished at your virtue ; an æra more glorious than the records of Greek or Roman story can produce —Yes, my Friends, it is the peculiar glory of our country, that while her revenues were contributing to the general support of the empire, and her armies were fighting the battles of their Sovereign abroad,

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her citizens became soldiers, and established their independency at home. With the facility of enchantment the nation appeared in military array—the prejudices of religion and of party were obliterated—old hereditary resentments were forgotten—private interest kindled into zeal for the public good—a whole people united, as if inspired by one soul; they called for liberty, and with one voice, vindicated the *rights* of their country and of human nature: yet these great ends were accomplished with a strict attention to order and due submission to the municipal laws. When embodied as volunteers in the service of freedom, you assisted the civil magistrate in the execution of his duty; and every resolution formed by your brave and independent corps breathed loyalty and affection to your King. The common enemy threatened an invasion—you offered your services to oppose them—and the mercenary slaves of despotism shrunk from the danger of insulting your coasts.

What was the consequence of this unparalleled unanimity, courage, and patriotism? Your claims were acknowledged
and

and were supported in Great Britain—your arms became the means of producing peace, commerce, and freedom.

Can the history of human nature produce a second instance of a whole people congregating, arming, demanding, insisting, and obtaining a positive, ample, and unequivocal renunciation of assumed power from a foreign legislature, that had long exercised it over them as a right?—Certainly not. But the claim was congenial with true English spirit, and let it never be forgotten by Irishmen, that the British legislature renounced their usurped jurisdiction with candour and generosity. It was the happiness of His Majesty's kingdoms, that when Ireland demanded restitution of her liberties, there were among the ministers of England, men, whose minds, illuminated by wisdom, inspired by freedom, and directed by justice, were exalted above the narrow and selfish prejudices of mere local interests—men whose politics were founded on constitutional principles, not directed by machinations—men who acted from system, not from schemes—men who knew the difference between authority and pow-

er, and held as a maxim that freedom was more conducive to loyalty than subjection; and that by whatever right one country possesses liberty, by the same right every other country may claim it.

There were, however, those who said your conduct was unconstitutional—that your arming was against the law—but your KING was not of that opinion—you received his gracious thanks from the throne through the medium of his Viceroy; and your peers and your representatives, in full Senate, paid you the same tribute of approbation. SALUS POPULI SUPREMA LEX, is the key-stone maxim of liberty; it was on that key stone you erected your standard, and every measure you took to defend it was truly constitutional, truly consistent with the old English opinion of that great constitutional lawyer Selden, “It is the
“ *custom* of Englishmen to *arm* when they
“ are *oppressed*; and *custom* is the *common*
“ *law of the land.*”

* The Marquis of Rockingham declared in the House of Peers that if the Irish associations were illegal, he was culpable; for he had sent arms to his Irish tenants.

Your

Your legislature being now independent, through your means, it is your duty to see that your Lords and Commons use that independence to promote your good, the only end for which legislatures are created ; and a question will shortly come before them which will prove if they have shaken off the influence of their former subordination—I mean

THE APPOINTMENT OF A REGENT TO
THE CROWN OF IRELAND.

All England, all Europe, wait with anxious impatience the determination of your Houses of Parliament upon this question. Their resolutions will prove whether they are equal to support in their senatorial capacities, pure and unfulfilled, that freedom which you, my Friends, by your virtuous exertions, so nobly obtained for them.

I know all Ireland, as well as all England, consider the PRINCE OF WALES as the only person constitutionally qualified to fill this great office, he being of full age, next heir to the crowns of Great Britain and of Ireland, and no incapacity whatever having been alledged against him.

Whether

Whether His ROYAL HIGHNESS, as *heir apparent*, hath an indefeasible right to the Regency, during the incapacity of the King, as was incautiously asserted in the warmth of debate by Mr. Fox ; or, whether he hath no greater claim to the Regency than any other subject, as was coolly laid down for constitutional doctrine by Mr. Pitt, are questions, in my humble opinion, on which the Irish houses of Parliament should not debate ; both assertions were premature ; His ROYAL HIGHNESS hath made no claim ; but, on the contrary, the Duke of York, in the House of Peers of Great Britain, openly declared that such claim would never be made, nor any power assumed, but such as the two Houses of Parliament thought fit to delegate.*

* Such a declaration should have satisfied the Minister ; but there was an after-game to play : he saw the certainty of his dismissal, and to retire with éclat was an object. This accounts for the unnecessary procrastination that has taken place ; the executive power of government has been arrested that the Minister may be honoured with addresses. Like Joshua he holds up his hands, and the sun stands still till he gains a victory.

After

After this candid delaration by the brother of the Prince, corroborated by his uncle the Duke of Gloucester, to force and obtrude an investigation of the unclaimed *right* upon the British Senate, must appear to every prudent and generous mind invidious, cruel, and unmanly. The question of *right*, however, has been agitated in both Houses of the British Parliament ; it has been forced into debate by ministerial influence, without the sanction of necessity. Personal triumph seems to have been the motive. A loose expression falling unpremeditated from Mr. Fox, was seized upon with avidity, and pursued with rancour by his opponents : but personal triumph over Mr. Fox was not the great object of the chace ; the Minister aimed at royal game, and would have hunted down the popularity of your Prince, who is to be one day the father of his people.

A conduct like this, my Friends, will, I know, rouse your indignation — your affection, loyalty, and duty, are not confined to the person of the King, but are attached to all his relatives ; and, as you
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would die in the cause of the father, so, I am convinced, that even with your lives you would support the honour and dignity of the son:

The Lords and Commons of Ireland will undoubtedly be called upon to adopt the resolutions carried through the British Houses of Parliament; but if your government has attained system with freedom; if it is not still controlled by the secret influence of those birds of passage, Lords Lieutenants, and their Secretaries, who have seldom shewn attention to the honour of the State or the interests of the People*; these resolutions, whenever proposed, will be rejected with contempt, and their supporters be stigmatized as enemies to their country. Be assured, my

* As a strong exception to this observation, it is necessary to remark, that in the administration of Lord Townshend the Irish obtained the octennial bill, before which their Parliament, unless dissolved by the King, continued during his life; and by this measure the oppressive aristocracy that ruled in Ireland was broken, and the *people* obtained an influence in Parliament.

Friends,

Friends, this is a time for Irish constituents to convince their representatives that the People have an interest in the House of Commons and a share in the Government. This is a time for the House of Commons to satisfy their constituents, that they are represented with that dignity which belongs to a free People—this is a time for the Irish Lords to shew that they are not now what they have been heretofore esteemed in England, mere cyphers of base metal, made for the ornament of the State, without an intrinsic ingredient of that independent noble spirit that constitutes true nobility.

But, my Friends, if your Houses of Parliament adopt the resolutions of the English Minister, it must appear to the world that your boasted liberty is merely ideal. That you enjoy a free constitution only in theory, but are yet dependent in measures : for what is dependence, but that very state in which Blackstone described the legislature of Ireland, before the repeal of the 6th of Geo. I. “ little less than an obligation to conform to the will, or law of
“ that superior person or state, upon which

“ the inferior depends.” Now, though your country has been emancipated from the controlling power of British laws, yet by implicitly following the example of the British Houses of Parliament, will not the Irish Lords and Commons virtually acknowledge an obligation to conform to the *will* the British Senate expressed in its resolutions?—Or, rather, indeed to the will of an individual, the *British Minister*. Be cautious, my Friends, how you establish a *precedent*—I reverse the sentence of *Serjeant Maynard*, in his answer to the great champion of your liberties, Chancellor *Bolton*—I say, *do not* “ trust to the wisdom, justice, and judgment of the British Lords and Commons as your ancestors have done,” unless you firmly believe that there is neither wisdom, justice, nor judgment in your own Houses of Parliament. This is a moment when the Lords and Commons of Ireland should think for themselves; this is a moment when they should remember, that though the antient Parliaments of England were seldom found corrupt, yet modern Parliaments are never found immaculate. It is to the People
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and the PRINCE, who, *apparently*, will inherit the Crown, that they are to look up for future safety and for future protection. Is your Parliament more virtuous than that of England? I fear, my Friends, it is not. The English, at least, give it a different character. They say, that, notwithstanding the statute for octennial Parliaments, that notwithstanding the repeal of the 6th of Geo. I. the national business is still carried on by contracts, and a reciprocity of jobs between the contractors and the Viceroy, that King's letters and pensions still exist to sap your liberties, and that the old aristocratic power still prevails, with nearly its usual preponderating and baleful influence, even in the House of Commons.

To whom, then are you to look up for redress from these grievances? To his Royal Highness the Prince of Wales, or to Mr. Pitt?—

The adoption, by your Houses of Parliament, of the British Minister's resolutions and act for settling the Regency, it may be said, will not be an acknowledgement of superiority in the British Houses of Parliament; but though it will not be

a public declaration of such superiority, will not every man, whose sense cannot be deceived by superficial appearances, consider such adoption a virtual submission to the old foreign influence? will they not say, that your Lords and Commons have followed the advice of Serjeant Maynard, by “ giving up the exercise of their
 “ own wisdom, justice, and judgment as
 “ their ancestors did before them, and implicitly trusting to the *superior* wisdom,
 “ justice,” and judgment of the British Houses? Then, my Friends, must not the people of Ireland, so recently armed in the cause of liberty, appear like the rebellious slaves of antiquity, who, though they would not submit to the terror of their master’s swords, crouched, like spaniels, when attacked by the whips with which they had been formerly chastised.

Consider this is the first opportunity that has offered since the emancipation of the Irish Lords and Commons, of forming upon their journals a record of revived freedom, on a constitutional question. A great *law Lord*, in the British House of Peers, has ventured to intimate, that Ireland
 will

will be guided by the resolutions of the British Senate ; and the *most noble* the *Marquis of Lansdown*, (formerly Earl of Shelburne, who did you the *honour* of denying his being your countryman, and who spends the revenues of his Irish estates in England) has nearly given an assurance of your acquiescence. Is not this an insult which your Parliament should spurn with every mark of contempt ; and which is not less an insult, because attended with the epithets of loyalty and good sense, which the noble Lords were pleased to apply to you, for the purpose of flattering you into compliance with their politics.

If then, my Friends, you are convinced it would be inconsistent with the freedom, dignity, honour, loyalty, and interest of Ireland, that your Lords and Commons should adopt the resolutions of the British Minister, and the act of restrictions brought in by him, I doubt not, but you will be of opinion, that the most constitutional mode of providing a representative for the executive power of the Legislature of Ireland, will be,

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An ADDRESS from the IRISH LORDS and COMMONS, to his ROYAL HIGHNESS the PRINCE OF WALES, calling upon him to accept of the REGENCY of the KINGDOM of IRELAND during the incapacity of the KING. And,

To render the OFFICE of the REGENT constitutional, I humbly conceive his ROYAL HIGHNESS should NOT be restrained by any LIMITATION whatever, but left at liberty to exercise the PREROGATIVES of that CROWN to which, by the VOICE of the PEOPLE, and the LAW of THE LAND, he is HEIR APPARENT, and to which, he being of FULL AGE, he would immediately succeed on the demise of his Royal father.

Such an address would be worthy a great and loyal People! It would prove their confidence in the House of Brunswick! With an eagle's wing it would soar above, and pass those mounds, those partial, and unconstitutional bulwarks, which have so long kept the People of Ireland at a distance from their Princes. It would impress the heart of the heir apparent with gratitude and affection, guard it from every prejudice that the partial, the insidious, and

and the interested, might hereafter attempt to raise against the People of Ireland.

This effusion, my Friends, I acknowledge, is an appeal to your passions as well as to your interests—for I feel my own pride and my own loyalty deeply affected by it—but I will now address your understandings.

The British Houses of Parliament have rejected such an address as I have suggested; yet have acknowledged that the PRINCE OF WALES is the only person in the kingdom who *ought* to fill the office of *Regent*. This is a conduct not very consistent with the declaration of the Minister and his friends, who have declared that any other British subject has an *equal right*: for where *rights* are *equal* there can be no superior *claim*. They have, therefore, rejected the address, under an idea that his ROYAL HIGHNESS has no *right*; and Lord Lansdown, in debate, went so far as to say, “*I wish the question of right may be decided, that the People may know they have rights and that the King and Prince of Wales have none.*” This was rather
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a cunning than a wise mode of obtaining a quality of which the noble Marquis has long stood in need—POPULARITY. An ingenuous man would have said, all *rights* originate with the People, to whom Kings and Princes are delegated trustees; and then the People would answer, “ *As our King,*
 “ *to whom we have delegated the trust of*
 “ *administering the executive power of go-*
 “ *vernment, is, by an affliction from Provi-*
 “ *dence, rendered incapable of performing*
 “ *the functions of his trust, the PRINCE OF*
 “ *WALES, who, by our authority, is heir*
 “ *apparent to that trust, and against whom*
 “ *no exception can be taken, is the only per-*
 “ *son who can constitutionally fill the office as*
 “ *representative of the King—for he is heir*
 “ *to the Crown, as well as to his father,*
 “ *by the LAW OF THE LAND*.*”

In support of these words which I have put into the mouths of the People, I must observe, that if the natural capacity departs from the KING, his political capacity must immediately descend to *some person*;

* See the Acts of Settlement, 12 and 13 William the Third.

for it was created by the authority of the People for their good, and may be considered a sole corporation instituted for the protection of their rights, endowed with a perpetual active spirit that can neither *sleep* nor *die*. Then surely, till the natural capacity of the KING returns, his political capacity should devolve upon the same person to whom it would indubitably descend, with all its privileges, in case of a total extinction of the KING's natural capacity by demise. This is not contradictory to the British Solicitor General's position, "That His Majesty's political capacity, in the eye of the law, still remains"—for, if I am right, the political capacity would still remain in the Crown, to be administered by the Prince as trustee: a reason, in my humble opinion, sufficient to satisfy the scruples of the Judges, for whose *consciences* Mr. Solicitor has expressed such delicate apprehensions and tender regard.

I may be asked now for a *precedent*—I answer, there are no *precedents* in point, and therefore I argue from the *reason* of the question; and *reason* is the life and

first foundation of the law of England—*Primum fundamentum legis Angliæ, est lex rationis, &c.*; and against this maxim I venture to assert, that there can be no constitutional *precedent*, custom, prescription, or statute.

The British Houses of Parliament have, however, attempted to establish their power of *limiting the Regent* upon the authority of *precedents*—particularly two—one of which their Committees have taken from the reign of HENRY the Sixth—the other from the reign of HENRY the Eighth.

Before we examine these particular *authorities*, as they have been termed, let us look to the legal doctrine of *precedents*. The common law of England and Ireland teaches us, that examples and precedents are not to be followed, if they are unreasonable or inconsistent with constitutional and legal principles; and as one bad precedent cannot justify another, of course, adding to them does not increase their authority. This is sound reason, because the authority of precedents must always be weighed and governed by first principles and constitutional law, otherwise we should
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be liable to adopt the most dangerous doctrines, since there is nothing so bad but a precedent may be found for it. When you, my Friends, demanded the restoration of your natural and constitutional rights, the dark pages of black-lettered statute books were dragged into light, as *precedents* to illustrate the doctrine of wrongs. A few years ago, when the island of Grenada demanded, as a British colony, a legal decision from the King's Bench, on the right of the Privy Council to tax the inhabitants without their consent, the Counsel for the Crown gravely cited as a *precedent*, from Lord Coke, that when a Christian country conquered an Infidel country, the Christians had a legal right to extirpate the Pagans with fire and sword. In Rymer's *Fœdra* there are *precedents* to show that the King, by his prerogative, could tax England without the intervention of Parliament; and these *precedents* were actually produced to support the right of a King to tax Ireland by his own power—Nay, farther, the courtiers who then called themselves “*the King's friends*,” not only shewed *precedents* for taxation by

Royal authority, but to prove that His Majesty could seize, imprison, try, and even hang, his subjects by martial law, without judge or jury.—But,

Can the records of history shew a *precedent*, where those who call themselves the KING'S FRIENDS have asserted that a PRINCE OF WALES, of full age, has no more right to administer the prerogatives of the Crown during the incapacity of the King, his father, than any *common subject*?

To insist that Parliament is bound by *precedents*, is a dogmatical absurdity, unworthy the trouble of refutation; but the Minister having seized upon *precedents* as specious and subtle subterfuges for constitutional doctrine; and having grounded upon them his bill for limiting the authority of the Regent, the investigation of their authority, for the use of those who have not leisure to examine, becomes necessary. Precedents are not irrefragable, and one great use of Parliament is, to remove bad precedents and to create good ones, whenever the necessities of the times require the alteration. It might with as
much

much propriety be advanced, that acts of Parliament cannot be repealed, as that precedents cannot be altered; or that the operation of statutes may not become obsolete, and precedents become useless—For, as statutes should be repealed when they become inconvenient in their operations, so precedents lose their force when found militating with the general good, and neither can have effect when the cause ceases which produced them. Look to *Magna Charta*, then take a view of statute the 12th of Charles II., and you will see that the latter statute has repealed the most considerable part of the former, by annihilating the servile tenures and debasing services of the feudal system.—In truth, from the conquest of England by William the Norman, down to the revolution which expelled the Stuarts from the throne, the constitution of England does not appear to have been reduced to a system. The liberties of Englishmen derived from nature, promulged and established by the Saxon code, were known, but continually invaded, till the Declaration of Rights was enacted into a statute,
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in the first parliament of William the Third. This statute is an immutable precedent for Englishmen to resort to in all cases of innovation, necessity, or disputation on constitutional points; and, I humbly conceive, that no precedent on such points, anterior to the bill of rights, should be received by the British Parliament as conclusive: for it may reasonably be supposed, that every parliamentary precedent, prior to the abolition of feudal tenures, was formed upon the principles of feuds; and that even after that oppressive system was abolished the influence remained for a considerable time.

On similar reasons, I also conceive, that in Ireland no precedents should be considered conclusive, or, in the determination of constitutional points, even worthy of credit, that is not subsequent to the emancipation of the Irish legislature in the year 1782. Shall freemen be bound by the acts of slaves? and what were Irishmen while ruled by a perpetual Parliament, dictated to by the English Privy Council, but bondsmen, depending upon the will of others, and giving up their rights and
their

their treasures under the influence of *duress*, a situation, however, which invalidates the act of the party granting.

Legal antiquarians will revolt at this doctrine: men who set greater value on old, musty records, which they explain by surmise and supposition, than on plain principles and self-evident conclusions: but you, my Friends, will, I trust, prefer sterling common sense, current in the mind of every reasonable man, and visible to every sensible man's understanding, to such inexplicable transcripts from the worm-eaten sheep skins of antiquity, marked with the barbaric politics of northern feuds and feudal tyrants, only capable of creating doubts and raising jealousies, without conveying an intellectual ray that can lead to certainty or produce conviction.

The first of the precedents, upon which the British Lords and Commons have received the resolutions of the Minister, for limiting the PRINCE OF WALES, in administering the duties of Regent, is taken from the records of the reign of HENRY the Sixth; a period in the History of England

land peculiarly distinguished for distractions, that divided the Royal Councils, and anarchy that convulsed the government. The contests between the Houses of York and Lancaster still existed; the title from which the infant King derived his Crown had been stained with the murder of Richard the Second, and blackened by an usurpation, that even the brilliancy of his father's military glory had not obliterated from the minds of the People. An aristocracy prevailed; and, as Mr. Fox observed, in debate, it was rather singular, that this precedent should be urged in favour of an *elective regency* when at the time it took place, the Speaker of the House of Commons was imprisoned by an order of the House of Lords. Such indeed was the fact, for the House of Lords had then the complete dominion of the executive government.

Neither is this precedent in point, for two other substantial reasons; *first*, the parliament convened on the death of HENRY the Fifth, was a complete legislature, consisting of King, Lords, and Commons; whereas, the incapacity of
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our beloved Sovereign, leaves but two branches of the Parliament, who, by the principles of the constitution, confirmed by statute the 13th of Charles II., have *no authority*, without the *concurrence of the Crown*; and who, without that concurrence, are a mere convention, as incompetent to legislate as any of *Cromwell's* conventions composed of hypocrites and creatures, who, under pretence of *supporting the constitution*, declared the *kingly office unnecessary*, brought their sovereign to public trial, and to public execution. *Secondly*, in the present case, we have a PRINCE OF WALES, SON to the KING, of *full age*, and, who being capable and entitled by law, founded on the authority of the People, to succeed immediately to the Crown, on the demise of his FATHER, is the only person who appears eligible to administer the prerogatives of the Crown during the incapacity of his father.

The history of Ireland is rather stronger than even the history of England, against admitting a *precedent* from the reign of HENRY the Sixth; for, exclusive of the reasons I have already stated to you, and

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which

which apply equally to Ireland as to England, we find in the Irish statutes of that reign, *precedents* of the most horrid and abominable tyranny. By some of these statutes, the inhabitants of our country were distinguished by the names of *Englishmen*, meaning the descendants of the English settlers, and *Irish enemies*, meaning the original race of natives. It was in this execrable reign that an opprobrious stigma was fixed upon the natives of Ireland, by restraining them from that free intercourse with the People of England, to which they were entitled by their compact with KING HENRY *the Second*, when the sovereignty of Ireland was delegated to him by a convention of the Princes at Lismore. In short, it was a reign of folly, debility, vice, treachery, despotism, and blood—a reign of impolicy and cruelty, to which we may trace up the cause of the Irish massacre in the time of Charles the First. It was a reign, in which it cannot be presumed that any act or *precedent* respecting the government of either England or Ireland, could have been founded upon the pure principles of the constitution, but
must

must have arisen from the barbarism of the feudal system, or resulted from the infancy of the King, and the anarchy and aristocratic influence of the times.

As to the *second precedent*—I cannot imagine that in regulations, respecting the government of England, or of Ireland, any *precedent* from the reign of HENRY the Eighth can possibly have weight. A more cruel tyrant, or a more absolute one, never wore the crowns of these kingdoms. He dictated not only to men's actions but to their minds, trampling upon civil and intellectual liberty; and his Parliaments, destitute of honour and of patriotism, were the mere registers of those commands which his wickedness or caprice dictated. In this reign it was enacted, that the King's proclamations should have the force of laws.—In this reign, treasons were multiplied, and the subjects were murdered by virtue of unconstitutional statutes, for exercising freedom of conscience;—this sanguinary and weak despot, from whose *will* a precedent hath been taken to limit the legal operations of the executive authority, considered him-

self entitled to dispose of the bodies and souls of the very People, for whose protection only he was placed upon the throne.

Should not *precedents* from such reigns be spurned at with contempt by a free People? But, if they are entitled to respect and veneration in Great Britain, your Houses of Parliament, my Friends, should recollect, they can have no weight in Ireland, as the first *precedent* is not a *law* within the intent of statute the 10th of Henry the VII., and as the second, even if confirmed by an English statute, cannot bind Ireland, the Parliament of Ireland having never assented to it.

I come now to another part of the proceeding in the BRITISH CONVENTION, on the question of Regency, which demands your serious attention, though probably it will promote your laughter. It has been resolved by the British Lords and Commons, that the GREAT SEAL shall supply the deficiency of the executive part of the Legislature, by giving assent in the King's name, by a commission, as if His Majesty were still capable of governing. Here is a curious substitute for
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the royal sign manual! here is a *form* in *fiction*, which, I as apprehend, will not be found in *relief* a *substance*, the only reason upon which legal fictions are supportable. Caligula made his horse a consul, and all Rome bowed to the dignified beast. The British Minister has created the Great Seal into a Sovereign, and the British subjects must bend the knee to an inanimate lump of metal.

Yet I have heard of precedents at least as analogous to the *fiction* of the Great Seal being transformed into a King, as those produced by the committees to limit the authority of the Regent. A petty-fogging attorney being sent for to execute a devise of lands, which he had previously drawn, did not arrive at the house of the devisor till after his decease; resolving, however, that the instrument should be executed, he forced a pen into the right hand of his *dead client*, and *guiding it*, the name of the defunct was subscribed to the instrument, three competent witnesses being present, and the will being also *sealed* before them, in the same manner as it was signed. This *fiction*, however, was discovered, and
considered

considered by the courts of law as a *conspiracy, feloniously to defraud the heir at law*, who had been *cut out of a great part of his inheritance* by the testament, and the delinquents were punished for the forgery. I could here make a strong application, but delicacy forbids it. It appears to me that the Great Seal, when affixed to an instrument; is no more than an *evidence* of the execution and authenticity of that instrument, but by this *fiction*, an inanimate lump of metal becomes the *principal party* to the instrument, and the world are implicitly to believe that it is endowed with mental and corporeal properties of a king.—The Chancellor of the Exchequer has said so, and so has the Chancellor of Great Britain—the Keeper of the King's Conscience — and if the People refuse belief in its powers, like brother John and brother Martin, in Swift's *Tale of a Tub*, when they refused to acknowledge that a crust of bread, presented to them by brother Peter, was a slice of Bamstead mutton, they will be considered infidels to the Ministerial creed, out of the pale of its political protection, and deserving to be damned

damned to all eternity. The northern circuit of England some years ago produced another case not very dissimilar to this *fiction* of the GREAT SEAL.—A peasant was indicted for having a *bare* in his possession, and on the trial offered to give in evidence that the *bare* had been killed by a *hog* as it lay sleeping near his house. To this evidence a learned serjeant objected: he argued that the statute was not made against *hogs* nor against *dogs*, but against unqualified persons having a *bare* or *bares* in their possession, and therefore *quo ad hoc*, a *hog* was a *dog* and a *dog* was a *hog*—just as the *fiction* holds out that the *executive power* is the *Great Seal*, and the *Great Seal* is the *executive power*.

Shall we, then, my Friends, adopt a paltry *fiction*, thus liable to ridicule and contempt, or advert to the reasonable mode of proceeding so clearly pointed out by the rules of succession?—Shall we forget that the hereditary descent of the Crown which excludes *elections* for the Crown, is the only constitutional and effective bulwark that can protect the people against aristocratic intrigue, or democratic faction? By adverting to the rules of succession, the

PRINCE

PRINCE OF WALES appears not only the sole eligible person to administer the prerogatives of the Crown during his royal father's incapacity, but also eligible to administer them, without any *other limitations* than those by which the wisdom of the *Legislature* hath heretofore restrained the Crown itself; and that bold, yet cool and premeditated assertion of the British Minister, that any other person hath an equal right to be *Regent* with the King's eldest son, the apparent heir to the Crown, instantly vanishes like the visionary doctrines of those canting enthusiasts who, under the name of *levellers*, would have abolished subordination and distinction, would have expunged rank and title from the state, but whom Cromwell even considered despicable, and punished as they deserved.

When these debasing doctrines were broached there was *no king*—the administration of the executive power and royal prerogatives was in abeyance—*Cromwell* had suppressed them; and *Thurlow*, his confidential friend, was, no doubt, an adviser and supporter of the measure.—

I say

I say the power of the Regent should not be limited—I state as constitutional law, that the prerogatives of the Crown cannot be restrained in the minutest point without the assent of the *King*—policy and expediency, as well as law, forbids the innovation. Look into the history of English regencies, and facts will convince you that the disturbances, divisions, and intrigues, that have arisen during such situations, have been owing to the limited power of the Regent; and therefore it is essential to the peace and happiness of Great Britain and Ireland that His *Royal Highness* the PRINCE OF WALES should not only be Regent, but, as representative of the King, administer during the incapacity of the King, all the royal prerogatives.

I consider that as every branch of the prerogative is necessary to the constitutional administration of the executive power, so the full exercise of the executive power is necessary to form a complete Legislature; for, if any one branch of the Legislature be weakened, then that equilibrium upon which the constitution itself depends, no

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longer

longer exists: and this equilibrium, as Lord Somers has declared, which our ancestors have always most zealously asserted and transmitted to us, is our best birth-right and inheritance.

The KING and the PRINCE, as Lord Lansdown said, have no right—but as I mentioned before, they are *trustees* for the rights of the People; and therefore the prerogatives of the Crown are the rights of the People, and, as such, whatever power suppresses them, or any part of them, acts fundamentally *wrong*, and the act is null and void of itself. “ *Sublato fundamento cadit opus.*”* But more particularly the Lords and the Commons have no power to lessen or arrest the operation of the antient and established rights of the People delegated by them to the Crown, to be administered for their good, in preventing an usurpation of power by the aristocratic or democratic bodies.—I will go farther—and, upon authority.—

* Jenkins Centur.

I say,

I say, an act for such a purpose must intirely subvert the principles and constitution on which the very existence of those powers which ordained it is formed ! So that such an unnatural act would be the same as *felo de se* in a private person. Sever the principal limb from the body, and the body will suddenly be exhausted and perish for want of its natural assistance—Our constitution is an equilateral triangle, every side of which supports the other two—the whole depending upon its constituent parts —“ *Quæ re cum natura prohibentur* NULLA “ *LEGE confirmata sunt,*”* and “ *Nihil* “ *quod est contra rationem est licitum.*”† It becomes, therefore, my Friends, your duty to preserve the prerogatives of the Crown entire and on full action, by delivering the custody of it in trust to the *Prince* of WALES, with all its attributes and authorities ; for, my Friends, it was received as a maxim at the Revolution, that “ no man, “ or society of men, have power to deliver “ up their *preservation*, or the means of it,

* Finch. 74. † Co. Litt. 97.

“ to the absolute will of any man or men* ;”
and your *preservation* depends on keeping
up a just *equilibrium* in the Legislature.

Let Ireland act graciously to the heir of
her Crown—confidence produces affection
and gratitude. Consider his situation ; a
Prince of full age, without a competitor,
sole and apparent heir to the Crown, of
course its natural as well as political pro-
tector—A Prince of whom even his op-
ponents have given the highest character †.
With such a Prince is it necessary to ad-
vert to fiction ? will you deprive him of
that authority as Regent which must de-
scend to him as King ? Will you transfer
that authority by chicane to a Chancellor,
under pretence that you vest it in the
Great Seal ? Will a free people lay shackles
on the heir apparent to the sovereignty—
on him who probably they will one day
call father of his people ? Will a generous
people invidiously investigate a right that
he has never claimed ? I trust you will

* Lord Somers.

† See the arguments of the Chancellor, and other
Lords, in the British House of Peers.

not; for such conduct would overturn the equilibrium of the state—shew a want of confidence in a Prince deserving your love, and appear to all mankind as if your Houses of Parliament were still under the control of the British Parliament.—

Here I conclude, unless occasion should again call me forward.

F I N I S.

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